



MotleyRice

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(STEVE KAISER)

Regional Freedom of Information Officer
ATT: STEPHEN PALMER
U.S. EPA, Region 5
77 West Jackson Boulevard (MI-9J)
Chicago, IL 60604-3590

By fax: (312) 886-1515
By e-mail: r5foia@epa.gov

Re: FOIA Request for Records

Dear Sir:

This office represents the State of Rhode Island in litigation involving former manufacturers of lead pigment for use in paint (State of RI v. Lead Industries Association, PC 99-5226, Superior Court, Providence County, Rhode Island).

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. Section 552, and the FOIA agency implementing regulations, if any, applicable to USEPA, we respectfully request your timely assistance in producing copies of the following agency records and information:

East Chicago, Indiana Superfund Site
EPA Site #IND047030226 - U.S. SMELTER AND LEAD REFINERY, INC.

1. any and all information/documents relating to the relationship between Atlantic Richfield Company (hereinafter "ARCO" - now known as BP Amoco) and the Anaconda Lead Products Company (hereinafter "ALPC"), as well as the International Smelting and Refining Company ("IS&R") and International Lead Refining ("ILR");. Each of the latter companies at various times operated lead processing plants on the East Chicago site. We believe that ARCO has been identified by USEPA as a Potentially Responsible Party ("PRP") in connection with this East Chicago site;
2. any and all information/documents, from any source, allegedly identifying the entity or entities, and all successors thereto, which operated lead pigment processing plant(s) on this East Chicago Site, including but not limited to ALPC, IS&R, and ILR (specifically, we understand that a "parent company title chain" document(s) regarding one or more of these companies is included in the Site file);

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Motley Rice LLC
Attorneys at Law



PROVIDENCE

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MT. PLEASANT

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P.O. BOX 1792
MT. PLEASANT, SC 29465
843-216-9000
843-216-9450 FAX

BARNWELL

1750 JACKSON ST.
P.O. BOX 365
BARNWELL, SC 29812
803-224-8800
803-259-7048 FAX

HARTFORD

ONE CORPORATE CENTER
20 CHURCH ST., 17TH FLOOR
HARTFORD, CT 06103
860-882-1681
860-882-1682 FAX

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3. any and all documents previously posted on EPA's website (and now presumably archived) at the address:

www.epa.gov/region08/compliance/cercla0820040002uao1.pdf¹.

We request that you provide us all records, or "reasonably segregable" portions thereof, which are not exempt from disclosure pursuant to FOIA or the agency's regulations. In the event a record keeper determines that any portion of these requested agency records are exempted from disclosure, please identify the document, specify the particular FOIA exemption that may be claimed for each withheld portion thereof, and your rationale for the exemption asserted.

The undersigned stands willing to pay reasonable search, data reproduction and related costs.

Consistent with the requirements of statute and implementing regulations, we respectfully request your prompt attention to this request.

Your professional cooperation is respectfully requested. If you have any questions, or if I may be of any assistance, kindly please call me directly at (401) 457-7712. You should also be aware that we have been in contact with attorney Steven Kaiser of your office, who has been very helpful. Your time and attention to this matter are greatly appreciated. Thank you very much

Very truly yours,



Michael Rousseau

Cc: Steven Kaiser, Esq.

¹ This site address is apparently mentioned in a footnote to an ILR document, but the address (note – USEPA Region 8) is not currently accessible through the internet.



"Marran, Michael"
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03/14/2006 04:19 PM

To Group R5Foia/R5/USEPA/US@EPA

cc Steven Kaiser/R5/USEPA/US@EPA, "Rousseau, Michael"
<mrousseau@motleyrice.com>

bcc

Subject FOIA request -East Chicago Superfund Site #
IND047030226

The attached FOIA request was faxed to your office this afternoon; if you have any questions, please contact me – my cell phone is 401-524-6868. Thank you for your cooperation.

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